

GIBSON DUNN

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October 16, 2024

MEMO ENDORSED

VIA ECF

The Honorable Katherine Polk Failla
United States District Court for the Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: AETN Television Networks, LLC v. Big Fish Entertainment, LLC, et al.,
No. 22-cv-07411 (S.D.N.Y.)**

Dear Judge Failla:

We represent Defendants in the above-captioned action. On October 9, 2024, Defendants filed a letter motion seeking leave to file under seal various exhibits filed in support of their summary judgment motion in this case (Dkt. 137). Among those exhibits was Exhibit 41 to the Declaration of Doran Satanove (Dkt. 145-41) which is a deposition transcript publicly filed in redacted form, with the proposed redactions previously submitted to the Court in connection with Defendants' sealing request.

It has come to Defendants' attention that its proposed redactions to Exhibit 41 were incomplete. The publicly filed version of Exhibit 41 includes testimony that Defendants designated as "Confidential" under the Protective Order in this case (Dkt. 58) on the ground that it includes sensitive business information that could cause Defendant Big Fish Entertainment LLC harm if disclosed, and therefore, this testimony should have been included among the proposed redactions to Exhibit 41 in Defendants' October 9 sealing request. This testimony was not cited in Defendants' Rule 56.1 Statement or summary judgment brief and thus has "minimal relevance to the summary judgment motion[.]" *SEC v. Ripple Labs, Inc.*, 2023 WL 3477552, at *4 (S.D.N.Y. May 16, 2024), which further supports why it should be sealed—in addition to the proposed redactions to Exhibit 41 in Defendants' October 9 request for the reasons provided therein.

Accordingly, Defendants respectfully request that the Court (i) direct the Clerk of Court to remove Exhibit 41 at Dkt. 145-41 from the public docket; and (ii) pursuant to Rule 9(B)(i) of the Court's Individual Rules of Practice in Civil Cases, grant Defendants leave to file a corrected version of Exhibit 41 under seal that includes the complete set of redactions—a copy of which is attached to this letter as "Exhibit 41-Corrected."

We thank the Court for its consideration of this request.

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Respectfully submitted,

/s/ Jay Srinivasan
Jay Srinivasan

cc: All counsel of record (via ECF)

Application GRANTED.

The original filed document is stricken from the public docket and the Court will replace the Exhibit 41.

The Clerk of Court is directed to terminate the pending motion at docket entry 146.

Dated: October 17, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE